

Remarks/Arguments:

Claims 10 and 12-15 are pending in this application, claims 1-9, 11, 16 and 17 having been previously cancelled without prejudice. Claim 15 has been allowed. The Office Action indicates that claims 12 and 13 are objected to as dependent from a rejected base claim, but are otherwise allowable.

Rejections under 35 U.S.C. § 103(a)

Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,435,247 (hereinafter "Giori") in view of [what -- skill in the art?].

Independent claim 10, as amended, recites:

"A flexographic printing plate comprising at least one solid printing area and at least one halftone printing area, said at least one solid printing area comprising a first plurality of ink carrying cells, and said at least one halftone printing area comprising a plurality of halftone dots, at least one of said halftone dots having an ink carrying cell on a surface thereof."

Claim 10 has been clarified to recite that the ink carrying cells are on the surface of the halftone dots, not just on the surface of the halftone printing area.

The Office Action concedes that "the flexographic printing in the admitted prior art does not include at least one solid printing area comprising a first plurality of ink carrying cells, and said at least one halftone printing area comprising halftone dots having an ink carrying cell on a surface thereof" but asserts that such a structure "is suggested by Giori et al." The Office Action further states that Giori discloses the ink carrying cells as an "etched recessed pattern" and states that the advantage to this would be to form an ink relief pattern or raised pattern with less complication and better economy than would otherwise be required. Applicants respectfully disagree, and respectfully submit that this rationale for combining Giori with the admitted prior art is flawed.

As conceded by the Office Action, Giori discloses the ink carrying cells as an etched recessed pattern to form an ink relief pattern or raised pattern. By contrast, Applicants claim providing ink carrying cells on the surface of a halftone dot. Nothing in Giori suggests that an ink carrying cell can be provided on the surface of a halftone dot, and because of the discrete

size of a halftone dot, there would be no expectation of successfully producing a relief pattern or raised pattern in a halftone area by providing an etching such as is described in Giori on the surface of one or more halftone dots, in accordance with the rationale for combination suggested by the Office Action.

Applicants' plurality of ink carrying cells located within the solid printing area and within halftone dots anchors the ink film to the printing plate, which creates an even ink distribution over the area and substantially eliminates ink accumulation or beading. Thus, Applicant's recited cells provide uniform solids that have improved saturation and density exceeding traditional saturation and density obtained by traditional smooth solid printing surfaces. As stated in Giori column 1, line 65 to column 2, line 2, however, the purpose of the etched recess pattern is to superimpose on a uniform inking pattern, a raised pattern of the same ink and of the same color corresponding to the recessed pattern. Therefore, one of skill in the art looking to address the problem of how to create uniform inking over a solid or halftone area would not look to a reference such as Giori, which seeks to create a raised pattern on top of a uniform inking. Furthermore, even if one of skill in the art desired to create a pattern such as is disclosed in Giori in a solid area of a flexographic plate for some other reason, there is no teaching or suggestion in Giori that one could create a patterned area in a halftone area of a flexographic plate.

Furthermore, to the extent that Giori discusses a combination of a halftone region ("grainy structure") of a relief plate with an etched pattern (see column 3, lines 35-42; column 2, lines 27-33; and Fig. 1, region 2), it teaches away from Applicant's claimed invention. Specifically, Giori recites that "the cuts 4 of the etched pattern are deeper than the depressions of the grainy structure" (column 2, lines 37-44). Thus, claim 10, as amended to clarify that the ink carrying cell is located on the halftone dot, is in direct contravention to the teachings of Giori. Accordingly, Applicants respectfully submit that claim 10 is not obvious over the applied reference and the rejection should be withdrawn. Furthermore, claims 13 and 14 are also patentable at least for the reason that they depend from independent claim 10.

Double Patenting Rejections

Claims 10 and 12 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-8 of U.S. Patent No. 6,213,018 B1 (hereinafter "

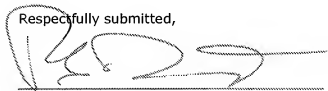
Samworth"). Applicants have enclosed a terminal disclaimer relating this patent application to the Samworth patent. Accordingly, Applicants respectfully request that this rejection be withdrawn.

Conclusion:

For all of the reasons cited above, Applicants respectfully submit that independent claim 10 is not obvious to one skilled in the art in view of the cited combination of references and respectfully request that the standing rejections be withdrawn. Claims 13 and 14 should be allowed at least as dependent upon independent claim 10. Claim 12 should be allowed because the double patenting rejection has been obviated. Claim 15 has already received an indication of allowance.

In view of the arguments set forth above, Applicants respectfully submit that the pending application is in condition for allowance. Notice to this effect is respectfully requested.

Respectfully submitted,



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Dated: March 26, 2009

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